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Wells Fargo Bank, N.A. and Mortgage Electronic Registration Systems, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS E. SCARBERRY,

Case No.: 2:12-cv-00128-KJD-CWH

Plaintiff,

vs.

FIDELITY MORTGAGE OF NEW YORK, a
Division of Delta Funding Corp.; OCWEN
LOAN SERVICING COMPANY, LLC;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS (herein MERS);
WESTERN PROGRESSIVE, LLC; HSBC
BANK USA, N.A.; CAL-WESTERN
RECONVEYANCE CORP.; WELLS FARGO
BANK, NA; RENAISSANCE MORTGAGE
ACCEPTANCE CORPORATION; LSI TITLE
AGENCY INC, and DOES 1-50, inclusive.

REQUEST FOR DECISION ON
DEFENDANTS, WELLS FARGO BANK,
N.A. AND MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.'S,
MOTION TO DISMISS (DOCKET NO. 8)
AND MOTION TO EXPUNGE LIS
PENDENS (DOCKET NO. 9) OR IN THE
ALTERNATIVE REQUEST FOR
HEARING

Defendants.

Defendant, Wells Fargo Bank, N.A. and Mortgage Electronic Registration Systems, Inc. (hereinafter “MERS”) (hereinafter collectively referred to as “Defendants”), by and through their attorneys of record, filed a Motion to Dismiss the Plaintiff’s Complaint pursuant to F.R.C.P. Rule 12(b)(6) on January 26, 2012 as Docket No. 8, and a Motion to Expunge Lis Pendens on January 26, 2012 as Docket No. 9. The Plaintiff, Dennis Scarberry, has failed to file a response

1 or request an extension of time to file a response to the Defendants' Motion to Dismiss or the
2 Defendants' Motion to Expunge Lis Pendens. In light of no response to the Defendants' Motion
3 to Dismiss or the Motion to Expunge Lis Pendens and in the interest of judiciary economy, the
4 Defendants respectfully request that this Honorable Court summarily grant the Defendants'
5 Motion to Dismiss and Motion to Expunge Lis Pendens or in the alternative the Defendants
6 respectfully request that this Honorable Court set a hearing date for the Defendants' Motion to
7 Dismiss and Motion to Expunge Lis Pendens.

8 DATED this 17th day of May, 2012.

9 WRIGHT, FINLAY & ZAK, LLP

10  #11547

11 Donna M. Osborn, Esq.

12 Nevada Bar No. 6527

13 5532 South Fort Apache Road, Suite 110
14 Las Vegas, NV 89148

15 *Attorney for Defendants, Wells Fargo Bank, N.A.
and Mortgage Electronic Registration Systems, Inc.*

16 **CERTIFICATE OF SERVICE**

17 I HEREBY CERTIFY that I am an employee of WRIGHT, FINLAY & ZAK, LLP; that I
18 electronically served the foregoing **REQUEST FOR DECISION ON DEFENDANTS,**
WELLS FARGO BANK, N.A. AND MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.'S, MOTION TO DISMISS (DOCKET NO. 8) AND MOTION TO
EXPUNGE LIS PENDENS (DOCKET NO. 9) OR IN THE ALTERNATIVE REQUEST
21 **FOR HEARING** to all parties and counsel as identified on the Court-generated Notice of
22 Electronic Filing and by depositing a true and correct copy of the same in the United States Mail,
23 at Las Vegas, Nevada, addressed as follows.

25 Dennis E. Scarberry
26 3005 Milton Pace
27 North Las Vegas, NV 89032
Plaintiff in Proper Person

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An Employee of WRIGHT, FINLAY & ZAK, LLP